

Newton Town Council Meeting
July 7, 2022, 7:00 P.M.
Newton Town Hall, 51 South Center, Newton UT
Minutes

Agenda

1. Roll Call
2. Opening Ceremony – Kent Fabricius
3. Approval of June 1, 2022, Minutes
4. Preliminary plan Newton Hills subdivision, phase 2, parcels 13-028-0002 and 13-028-0003, approximately 200 North 300 West, Newton
5. Culinary Water Committee Update
 - a. Newton Town Geophysical Groundwater Investigations Agreements for Loosle-Buttars Springs and Newton Town Geophysical Well Siting Investigation, b. Software and auto-read meter installation update, c. Possible funding options
6. Outstanding citizen award nominations
7. Newton Town Celebration Update, a. fireworks, b. vendor for breakfast
8. Report on Mayor/Council Member Assignments
9. Closed meeting to vote on Newton Outstanding Citizen

1. Call to Order and Roll Call of Members present.

Members present: Mayor Mike Benson (arrived at 7:20), Jake Christiansen, Kent Fabricius, Brett Petersen and Jed Woodward. Karla Ferguson (Recorder) and Kathryn Rigby (Treasurer)
Others present: Kevin Rhodes, Dell Vance, Von Brown, Jeremy Cooley, Eric Dursteler, Deputy Spence, Martin Empey, Barry Myers, Kelli Myers, Clark Rigby, Brandt Helstern and Helen Helstern. Others that arrived after 8:00: Jeff Benson, Cole Richards, Jenny Richards, and Brock Call.

Electronic attendance by ZOOM: Justin Cooley and Gordon Anderson

2. Opening ceremony conducted by Kent Fabricius

3. The Newton Town Council meeting minutes for June 1, 2022, were approved.

Other business: It was discussed that Mayor Mike Benson was delayed and Jed Woodward conducted meeting until the mayor's arrival. Jake Christiansen asked for clarification on voting. Jake asked if a majority of 2/3 is required, or the majority of the present quorum, is required for motion approval. Brett Petersen discussed his research into Newton's code doesn't specify but just states approval by a majority.

4. Preliminary plan Newton Hills subdivision, phase 2, parcels 13-028-0002 and 13-028-0003, approximately 200 North 300 West, Newton – Brandt Helstern reviewed the town engineer's (Eric Dursteler) review. They will continue to work with the town engineer for the construction plans. Brandt reviewed that a 24" pipe will be installed to drain water along the 200 North road to the slough area. Proposed lots 22 and 23 will be graded to fill in the old drainage ditch. Lots 22 and 23 are not considered wetlands. Brandt reviewed that application has been made to the Army Corps of Engineers for the road through the wetland area. They also plan to work with the town engineer on slope and drainage that will be addressed with the final plan. They are asking for preliminary approval of the subdivision plan. Jake Christiansen stated he is concerned about having enough culinary water for the development and thinks we should first decide on the conditions of the water situation for limiting building permits. Jake feels we need to have more water data before we make decisions on more development. Brett Petersen expressed that Newton should have clear answers on where we stand with water before we approve any more development. Current water studies were discussed. Jeremy Cooley asked if the town council is issuing a building permit moratorium. Jeremy said they are asking for subdivision of land

approval and are not asking for building permits yet. Jeremy expressed that they are following all of Newton's code in subdividing land and it shouldn't be denied. Jeremy asks that equal treatment for their subdivision be given and if building permits are going to be restricted then that is a separate issue and should be for all development in Newton and not just Newton Hills subdivision. Jed Woodward discussed that we are in a drought situation, but we are still filling the water tank multiple times a day and there is currently water. Mike Benson arrived, and a review of the discussion was given. Mike asked how Newton Planning Commission voted on the preliminary subdivision plan. A review of the Newton Planning Commission vote was given. **Mike Benson made a motion to accept the preliminary plan of Newton Hills subdivision, phase 2. Jed Woodward seconds the motion. Mike Benson asked for discussion on the motion.** Jake Christiansen asked why we would move forward with approval when we have unanswered questions on our water situation and if we have enough for a new development. Mike Benson said we don't have the water information yet but will soon and probably will have data before final approval is requested. Mike Benson discussed how a bond will be required for infrastructure for final approval. Brett Petersen said he doesn't want to approve and then find out after that we can't provide water. Brett wants more water data. Jed Woodward said at this point they are just subdividing the land and not requesting building permits. Jed thinks if the developer understands and informs buyers that building permits may be restricted or limited while we work on our water situation that will be okay. Kent Fabricius asked when lots can be sold. It was discussed not until final approval and infrastructure is installed. Kent is worried that if a buyer can't build then they may not purchase lots and that is a big expense for the developer. Mike Benson wondered where in the process do we make sure we have enough water. Mike asked Clark Rigby's opinion. Clark said it is the town's prerogative. However, he thinks a building permit moratorium can be a separate issue from the subdivision but the ability to sell lots without the ability to obtain a building permit will be a factor. Brett Petersen asked for more information on how to enact a building permit moratorium from the town's attorney and have the discussion be on next month's agenda. Eric Dursteler discussed that final approval is at least 90 days out until they hear back from the Army Corps of Engineers and by that time, they should have more water information. Mike Benson said if we vote no then we need to put a building moratorium immediately on everything in Newton. Brett Petersen expressed concern that we don't have confirmation that by approving preliminary then we aren't giving final approval because they have met requirements of the subdivision code and then we find out that we can't provide enough water. Water concerns were discussed. Brandt Helstern asked for preliminary approval and said they have met all the development requirements requested. **Mike Benson amended the motion to approve the preliminary plan with the stipulation that a building moratorium might be enacted after the water studies are completed and show insufficient water supply. Jed seconds the motion. Mike Benson asked for discussion on the motion.** Kent Fabricius asked about adding the additional 16 lots to our capacity worksheets. Eric Dursteler discussed the water reviews that will be completed as part of the final plan. **Roll call vote: Jed Woodward – yes, Jake Christiansen – no, Mike Benson – yes, Brett Petersen – no, Kent Fabricius – yes. Motion passed.** Brett Petersen asked for clarification with the subdivision process and enacting a building moratorium. Planning Commission roles were discussed.

5. Culinary Water Committee Update- Eric Dursteler reviewed the process for an impact fee study. Eric will set up a meeting with Zions Finance, Mayor Benson, Karla Ferguson and Kathryn Rigby to collect necessary information for the study. Jed Woodward reviewed current water tank levels. Jed discussed that as it is getting hotter it is taking the tank a longer time to fill. Mike Benson asked Gaylen Maughan to water the park lawn in preparation for the town celebration but to watch the water tank levels and not water if the tank level drops to low. Water usage, water flow and water tank levels were discussed. Dell Vance reviewed historical water flow levels, dropping flow levels and encouraged the town council to get moving on redevelopment of Loosle-Buttars

springs. **a. Newton Town Geophysical Groundwater Investigations Agreements for Loosle-Buttars Springs and Newton Town Geophysical Well Siting Investigation** – Eric Dursteler discussed that approval is needed on the agreements for the impact fee study and two proposed water source studies. The Loosle-Buttars springs proposed investigation will cost \$19,500. The well study investigation will cost \$15,000. Eric Dursteler discussed what the water studies will entail and the approach they will take. The result of the study for Loosle-Buttars springs will identify pathways of water and if springs can be redeveloped to capture that water. Possibilities of concrete pipe and ground flow were discussed. Mike Benson said this would be perhaps the cheapest option for improving the water source and asked if anticipated water flow will be part of the study. Eric Dursteler said yes, that would be included in the study. **Brett Petersen made a motion to approve the Loosle-Buttars spring study. Jake Christiansen seconds the motion.** Discussion requested. Kent Fabricius feels that we should investigate the Loosle-Buttars spring area. **Roll call vote: Jed Woodward – yes, Jake Christiansen – yes, Mike Benson – yes, Brett Petersen – yes, Kent Fabricius – yes. Motion passed.**

Newton Town Geophysical Well Siting Investigation – Discussed impact fee money available for study. Mike Benson asked why this site was identified for the study. The water committee members discussed this site was identified because of a previous well that was dug and capped in the area. Eric Dursteler described the sonic investigation used to identify water and the company that will be doing the study. Mike Benson said he thinks we should look more into other sites before deciding on this area for study. Mike prefers completing the Loosle-Buttars study first. It was discussed that wells in the area have not had a lot of success. Possible areas to look at were discussed. **b. Software and auto-read meter installation update, c. Possible funding options** – Kevin Rhodes reviewed that the antenna for collecting meter data has been installed on the ball diamond light pole and power has been run to it from the tennis court power panel. Kevin Rhodes described how the auto-read meter system works. The update for Caselle will be installed next week for the auto-read meters. Kevin thanked Kelli Myers for physically reading all water meters this month. Mike Benson asked for how we move forward until all meters are installed. Kelli Myers will need to manually read meters until installation is completed and converted in software for reporting. At time of meter installation, the installers will manually read the old meter and record it to have accurate data. Kevin Rhodes showed what the antenna on top of the meter looks like and encouraged the town council to inform residents to be aware of and leave the antenna alone. Mike Benson asked how we make it more urgent to get leaks fixed. Leaks and getting out information were discussed. Mike Benson will write a message for the town newsletter about fixing leaks immediately. Kevin Rhodes discussed the new auto-read system and apps that will allow a resident to monitor their own water usage. Mike Benson asked if Eric Dursteler has contacts for grants or information on funding options for water projects. Eric Dursteler will do research on funding opportunities and get more information to the Town Council. Jake Christiansen asked how we can help expedite the auto-read water meter installation. Jed Woodward suggested that Clarkston has changed their meters to auto-read and he could talk to them to see if they have anyone that could help. Jed discussed the process for changing the meters and will try to get additional help.

6. Outstanding citizen award nominations – Brett Petersen read nominations received. Nominations were LaMar Clements, Kevin Rhodes, Natalie Phillips, Patty Swainston, Gaylen Maughan and Colleen Woodward.

7. Newton Town Celebration Update, a. fireworks, b. vendor for breakfast – Cole and Jenny Richards gave an update on the schedule for the celebration. They don't have anyone willing to do the breakfast. Jake Christiansen offered to have the Newton Town Council run the breakfast. Deputy Spence has said that deputies have been assigned for the parade. Deputy Spence also offered to be available the night before to help. It was discussed that adults might be needed to

help supervise the night games with the youth council. Jeff Benson said they have received so far \$1,150 in donations for fireworks. It was decided for the town to pay \$3,000 for fireworks including donations received. Jenny Richards discussed that food costs have risen significantly and so prices will need to be increased. Credit cards will be accepted this year with a transaction fee. Donations can also be made online. They plan to keep firework spectators outside the ball diamond fence.

8. Report on Mayor/Council Member Assignments– Mike Benson plans to meet with Cache County to go over roads identified as concerns. Eric Dursteler asked if the Town Council plans to apply to CCCOG for road improvements, such as, widening Center Street to 36', this year. It was discussed that they will not apply this year but wait until next year to apply. Mike Benson reported that the County will put out a request for bids for garbage vendors soon. Garbage collection and the County landfill was discussed. Jake Christiansen reviewed that the Youth Council has worked on the town float. Kent Fabricius asked opinions on security cameras for the town hall. Kent will get more information on camera options and costs. Kent Fabricius has researched the lease agreement for the Loosle-Buttars spring adjacent property. It was discussed in the April 4, 2002 Town Council Meeting but no lease agreement was signed. Kent suggests that we allow the Godfrey's to continue to farm the property until we know what is going to happen with the redevelopment of the springs. Brett Petersen reported that the Planning Commission is continuing to work on the draft animal ordinance. Mike Benson reported that he has asked the Fire Department to inspect all fire hydrants. The fire department has inspected and submitted a report for the fire hydrants. They also cleared some of the hydrants of weeds. Brett Petersen will review the Fire and EMS budgets to determine if they could be combined. Jed Woodward discussed that the 200 East 200 North intersection project is almost complete. The shoulders of the road need finished grading and chip/seal needs to be completed.

9. Closed meeting to vote on Newton Outstanding Citizen - Mayor Benson closed the meeting to vote on outstanding citizen.

Meeting re-opened. Other business: Town celebration details were reviewed. Jake Christiansen will purchase food for the celebration breakfast. Jake will follow up with town council members for breakfast assistance. They will serve breakfast from 7:30 a.m. to 9:00 a.m. Credit card processing and fees were discussed.

Meeting adjourned at 10:30 p.m.

Minutes prepared by: _____
Karla R. Ferguson, Newton Town Clerk

Approval Date